GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA

UNSTARRED QUESTION NO:4266
ANSWERED ON:12.12.2016
Grant of Patents
Mahto Dr. Banshilal

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) the details of the applications received by the Government from Indian and foreign companies for grant of patents to the formula prepared by them to manufacture the traditional Indian Ayurvedic/Unani medicines and number of patents granted to them so far, company-wise;

(b) whether the Government proposes to restrict grant of patents for Indian Ayurvedic medicines to Indian companies only;

(c) if so, the details thereof;

(d) whether the Government has held any discussion with the State Governments before granting patents to Indian medicinal plants and its products in the country; and

(e) if so, the details thereof and if not, the reasons therefor?

Answer

???????? ??? ?????? ???????????? (????????? ??????)(??????? ??????? ???????)
THE MINISTER OF STATE (INDEPENDENT CHARGE)
OF THE MINISTRY OF COMMERCE & INDUSTRY
(SHRIMATI NIRMALA SITHARAMAN)

(a): The details of Patent applications filed and published as on 30-11-2016, as per provisions of the Patents Act, and Patents granted up to 30-11-2016 on herbal/ plant/ Ayurvedic formulations, from 1-1-2005 onwards, are as under:
<pre>

Patent Applications Filed Patents Granted
Domestic Foreign Domestic Foreign
963 126 182 22
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The list of 204 patents granted on formulations/ processes related to products of herbs/ plants are given at Annexure-1.

It may be noted that, as per the Patents Act 1970 (as amended), a patent can be granted only to an invention which is a new product or process involving inventive step and capable of industrial application. Thus, ayurvedic formulations, as a whole, cannot be imparted patent protection if they are already in public domain, meaning thereby that they are not novel. Further, a patent cannot be granted to an invention, if it falls in any of the categories of non-patentable inventions as given in Section 3 and 4 of the Patents Act. Thus, patents can only be granted to new formulations based on products related to herbs/ plants or processes related thereto, which fulfil the criteria of patentability as per Patents Act.

(b): No, Madam.

(c): Not applicable.

(d): No, Madam.

(e): There is no provision under the Patents Act for prior discussion with State Governments before granting a patent.

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